



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,192	12/12/2005	Takao Monden	37288	5604

116 7590 08/08/2006

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

EXAMINER

ALAM, FAYYAZ

ART UNIT	PAPER NUMBER
----------	--------------

2631

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/518,192

Applicant(s)

MONDEN ET AL.

Examiner

Fayyaz Alam

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/21/05; 3/8/05; 1/21/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement submitted on 7/21/2005, 3/8/2005, and 1/21/2005 been considered by the Examiner and made of record in the application file.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

Art Unit: 2631

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Adachi et al. (U.S. Application # 2004/0100598)**.

Consider **claim 1**, Adachi et al. disclose a mobile telephone (read as telephone; see figure 38) comprising an image display portion (1000) (read as display portion; figure 38 and 39; [0333]), a mirror function portion (801) (read as panel) which is superposed on the image display portion (1000) (read as display portion) which selectively realizes a mirror status (read as mirror surface state; see [0340]) and an image display status (read as transparent state; see [0340]) when voltage is applied, and a mirror and display control portion (833 and 831) (read as control unit; see [0333]) for turning on and off the lighting system which is coupled to the image display portion (1000) (read as display portion; figure 38 and 39).

Adachi et al. fail to disclose a key locked state.

The Examiner takes Official Notice that it is notoriously well known in the art of cell phones to have key lock or a key guard feature.

Art Unit: 2631

Therefore it would have been obvious for a person of ordinary skill in the art to make use of this feature in order to inhibit accidental key presses and waste valuable power.

Consider **claim 2** as applied to claim 1, Adachi et al. disclose that the device is capable of automatically switching from mirror status (read as mirror surface state; [0341]) to image display status (read as transparent state; [0341]) when there is an incoming call (see [0341]). According to Adachi et al. the claimed invention uses same control units 833 and 831 (see figure 39) to perform this function in addition to the above stated function. To implement a secondary or a separate control unit to perform the function is not unique.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Adachi et al. (U.S. Application # 2004/0100598)** as applied to claim 1 above, in view of **Kamiya et al. (U.S. Application # 2006/0148526)**.

Consider **claim 3** as applied to claim 2, Adachi et al. fail to disclose a third control unit which brings the panel to the mirror surface state and turns off the power of the display portion when a response to the received call is performed.

In the related field of endeavor, Kamiya et al. disclose that mobile station (10) (read as telephone) changes back to the default display state once the call has been terminated (read as turning off the power of the display portion when a response to the received call is performed; see [0060]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to incorporate the teachings of Kamiya et al. with that of Adachi et al. in order to provide reduction in power consumption by the display.

Claims 4 - 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Adachi et al. (U.S. Application # 2004/0100598)** as applied to claim 1 above, and further in view of **Uyeno et al. (U.S. Patent # 5,946,636)**.

Consider **claim 4** as applied to claim 1, Adachi et al. fail to disclose that second control unit is provided for bringing the panel to the transparent state and turning on the power of the display portion when there is unrecognized call receiving history information or an unrecognized receiving mail under the key locked state.

In the related field of endeavor, Uyeno et al. disclose a microprocessor (25) (read as control unit) to turn on the indicia (15) (read as bringing panel to transparent state) when there is an unknown caller (see column 3, line 45 - column 4, line 13).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to incorporate the teachings of Uyeno et al. with that of Adachi et al. and Kamiya et al. in order to provide power efficiency.

Consider **claim 5** as applied to claim 1, Adachi et al. fail to disclose that third control unit is provided for bringing the panel to the mirror surface state and turning off the power of the display portion when a recognition of the unrecognized call receiving history information or the unrecognized receiving mail is performed.

In the related field of endeavor, Uyeno et al. disclose microprocessor (25) (read as control unit) displays color code on the indicia (15) (read as bringing panel to the

Art Unit: 2631

mirror surface state) until the user answers the phone call (read as recognition of the unrecognized call receiving history information; see column 3, line 45 - column 4, line 13).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to incorporate the teachings of Uyeno et al. with that of Adachi et al. and Kamiya et al. in order to provide power efficiency.

Conclusion

6. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Fayyaz Alam whose telephone number is (571) 270-1101. The Examiner can normally be reached on Monday-Friday from 7:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Perez-Gutierrez can be reached on (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Fayyaz Alam

July 12, 2006

EDAN ORGAD
PATENT EXAMINER/TELEPHONE

Edan Orgad 7/19/06